

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application : George F. Derome, et al
Serial No. : 09/382,763
Filed : 25 August 1999
For : DUAL-MODE TRANSMITTER
Examiner : Charles Chow
Attorney's Docket : ADIC-1

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Group Art Unit: 2736

I hereby certify that this correspondence is submitted to the
Commissioner for Patents, P.O. Box 1450, MS: Issue Fee,
Alexandria, VA, 22313-1450 by first class US mail on

30 Apr 04

By Stephen G. Matzuk
Stephen G. Matzuk
Registration No. 29,328
Attorney for Applicants

Petition to Withdraw Abandonment under Rule 1.181(a)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to the Notice of Abandonment mailed 22 January 2004
(envelope stamped 2 February 2004) and belatedly received
yesterday, for failure to submit corrected drawings, Applicant
petitions that the corrected (formal) drawings were submitted in a
timely manner and that the holding of abandonment be withdrawn.

Submitted herewith is a photocopy of the Postcard Receipt of
the formal (corrected) drawing submission. Also submitted is a
courtesy copy of the previously submitted formal (corrected)
drawing figures.

Regarding the timeliness of this response, Applicant argues
that the undersigned attorney made a telephonic inquiry to the
U.S. Patent Office of the status of the application on 8 April
2004, and was advised that Applicant's last submission (with the
corrected drawings) was not yet entered due to Patent Office
automation integration (document scanning) problems, and that the
application's prosecution was being slowed for that problem.


Moreover, Applicant did not (until recently) receive the
Notice of Abandonment for failure of the Boston Post office to

forward mail as requested. Applicant's former address P.O.Box 767 was closed by January 2004 because all Post Office boxes in that facility in Boston were being removed, and in advance of that time, instructions were given by Applicant's attorney to forward all mail to the New Hampshire address (40 North Spring Street, Concord, NH 03301), which did occur for a period of months, leading Applicant's attorney to believe that all mail would continue to be forwarded for the 1-year forwarding period. However, upon recent inquiry to the Boston Post Office, Applicant's attorney discovered that in the process of closing the facility, that the forwarding of the P.O. Box 767 mail to the New Hampshire address was discontinued apparently for many weeks (for some mail) for reasons unexplained by the Boston Post Office. Immediately the unopened, unforwarded mail was sent to Applicant's attorney at the New Hampshire address where it was received yesterday to reveal the Notice of Abandonment.

Applicant therefore submits that inquiry was made regarding this application and Applicant's attorney was apparently misinformed by the U.S. Patent Office, and that any delay in response to the Notice of Abandonment was due to the U.S. Post Office, and that this Petition to Withdraw Holding of Abandonment is submitted in a timely manner. Applicant therefore respectfully request the holding of abandonment to be withdrawn, and that the patent be promptly issued forthwith.

If there are any remaining questions by any agent of the Patent Office, he or she is requested to call the undersigned attorney to further the prosecution of the present application.

Respectfully submitted,
George F. Derome et al


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Date 30 Apr 04